DOCUMENT RESUME

ED 338 450 RC 018 313

TITLE Audit Report: Implementation of the Education Amendments of 1978, Bureau of Indian Affairs. Report No. 91-I-941.
INSTITUTION Department of the Interior, Washington, DC. Office of Inspector General.
PUB DATE Jun 91
NOTE 50p.
PUB TYPE Reports - Evaluative/Feasibility (142)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *American Indian Education; *Educational Administration; Educational Assessment; Educational Quality; Elementary Secondary Education; *Federal Indian Relationship; *Program Effectiveness; Program Evaluation
IDENTIFIERS Bureau of Indian Affairs; *Bureau of Indian Affairs Schools; *Education Amendments 1978

ABSTRACT

An audit was carried out to determine whether the Bureau of Indian Affairs (BIA) had implemented applicable portions of the Education Amendments of 1978, enacted to provide quality education to Native Americans. The Office of Inspector General of the Department of the Interior found that management of Indian education programs showed many deficiencies, and that 10 of the 17 principal provisions of the act had not been implemented effectively. With regard to five provisions selected for detailed review, it was found that the BIA: (1) had not adequately established and implemented academic standards; (2) had not developed an adequate management information system; (3) had not allocated education funds equitably; (4) had not provided Indian children with facilities that were safe, healthy, or conducive to a quality education; and (5) had not consulted the tribes to establish educational goals and policies. These conditions occurred because senior-level BIA managers have not given the program sufficient priority, and because of frequent changes in program leadership. As a result of these conditions, students in BIA schools are not receiving quality educations. In addition, the lack of an accurate management information system means that the BIA lacks the ability to make informed decisions about the education program. This report contains background on the BIA mission, schools, and funding, and recommendations addressing program deficiences. Appendices, which make up over half of the document, include major provisions of the Education Amendments of 1978, a summary of BIA funding for 1990, a list of schools visited, and BIA responses to the audit. (SV)

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U.S. Department of the Interior
Office of Inspector General

AUDIT REPORT

IMPLEMENTATION OF THE EDUCATION AMENDMENTS OF 1978, BUREAU OF INDIAN AFFAIRS

REPORT NO. 91-I-941
JUNE 1991

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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United States Department of the Interior

OFFICE OF INSPECTOR GENERAL
WASHINGTON, D.C. 20240

June 24, 1991

Memorandum

To: Assistant Secretary for Indian Affairs

From: Assistant Inspector General for Audits

Subject: Final Audit Report on Implementation of the Education Amendments of 1978, Bureau of Indian Affairs (No. 91-I-941)

This report presents the results of our review of the Bureau of Indian Affairs education program. The audit objective was to determine whether the Bureau had effectively implemented applicable portions of the Education Amendments of 1978, enacted to provide quality education to Native Americans.

We found that management of the Indian education program had experienced many deficiencies, resulting in children not receiving quality educational opportunities. Specifically, the Bureau had not effectively implemented 10 of the 17 principal provisions of the Education Amendments of 1978. In 5 provisions that we selected for detailed review, we found that academic standards had not been adequately established and implemented; a management information system needed to manage the education program had not been adequately developed; education funds had not been allocated equitably; Indian children had not been provided with facilities that were safe, healthy, or conducive to a quality education; and tribes had not been consulted to establish educational goals and policies. We also found that many schools attended by Indian children were in a general state of disrepair, which further impeded the education process.

These conditions occurred because senior-level Bureau managers have generally not given the education program sufficient priority. The Bureau's education program has never had the strong support and consistent direction accruing from stable leadership. During its 12 years of existence, the Office has had 17 directors, and the frequent changes in program direction and management emphasis have resulted in very little improvement in the quality of education provided to Indian children.

The inability of the Bureau to implement the Education Amendments of 1978 has resulted in students who attended

Bureau schools generally not receiving quality educations. Standardized achievement test scores usually ranged by grade from the 24th percentile to the 32nd percentile, and test scores in only 2 of 153 schools achieved greater than the 50th percentile.

Additionally, the Bureau had spent about $5.4 million for a management information system which does not function as planned. Consequently, the Bureau does not have a timely, accurate, and reliable method for obtaining, compiling, and analyzing information regarding the education program. Without such capability, the Bureau's ability to make informed decisions and to maintain accountability over the education program is impaired.

The May 5, 1991, response from the Assistant Secretary for Indian Affairs (Appendix 4) generally agreed with the finding and recommendations. However, the response stated that the Bureau would not respond to the recommendation concerning safety and health problems in the schools because "this item is within the purview of the Office of Construction Management." The recommendation regarding implementation of the principal provisions of the Education Amendments of 1978 has been fully addressed and is considered resolved but not implemented.

The May 17, 1991, response from the Director, Office of Construction Management, responded to the recommendation concerning safety and health problems in the schools. The response indicated that the Office was aware of the problem as stated in the report and was taking corrective actions. The response, however, did not stipulate the Office's concurrence or nonconcurrence with the recommendation or provide an implementation date and responsible official.

Subsequent to the issuance of our draft audit report, Bureau officials requested that we make an additional recommendation regarding improving the leadership within the Office of Indian Education Programs. Accordingly, we have included in our final audit report a new recommendation, No. 1, which addresses this issue. The status of the recommendations is in Appendix 6.

In accordance with the Departmental Manual (360 DM 5.3), we are requesting a written response to this report by August 14, 1991. The legislation, as amended, creating the Office of Inspector General requires semiannual reporting to the Congress on all audit reports issued, actions taken to implement audit recommendations, and identification of each significant recommendation on which corrective action has not been implemented.

Harold Bloom

Harold Bloom

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INTRODUCTION

BACKGROUND

The Bureau of Indian Affairs mission is to protect Indian trust property, to strengthen tribal self-government, and to provide an array of services for the education and welfare of American Indians and Alaskan Natives. The Bureau provides these services both directly and through contract to about 949,000 Native Americans from 310 recognized Indian tribes and 197 Alaskan Native organizations.

The Congress has established an objective of providing quality educational services to Indian children. The Congress provided the Bureau of Indian Affairs with a method for attaining this goal in its elementary and secondary school system by enacting Title XI of Public Law 95-561, the Education Amendments of 1978. The Amendments contain 17 principal provisions (Appendix 1) which were established to help the Bureau improve the quality of education provided to Indian children.

The Bureau's Office of Indian Education Programs has primary responsibility for Indian education and the Bureau-funded school system. The majority of Indian children attend public schools; however, in school year 1989-1990, the Bureau school system enrolled 39,856 students in 180 schools. The system encompasses 23 states, with 80 percent of the enrollment from Arizona, New Mexico, North Dakota, and South Dakota.

The Bureau has several different types of schools, including day schools, boarding schools, and peripheral dormitories (where students reside but attend public schools). These types of schools include elementary, middle school, and high school grades and are Bureau operated, contracted, or granted to tribal organizations or cooperatively operated (Bureau-supported schools operating in conjunction with public schools). Some schools are small, serving a few students in one or two grades, while other schools are large, serving nearly a thousand children.

In fiscal year 1990, the Bureau provided a total of $316 million to support the schools. (This funding is detailed in Appendix 2.) The total dollar amount includes funds for three different uses. Most of this funding, which totaled $201 million in fiscal year 1990, was allocated to the schools through a formula called the Indian School Equalization Formula and was intended for basic instruction and residential programs. The Bureau's Office of Indian Education Programs administers these funds.

Transfers from the U.S. Department of Education to the Bureau for supplemental programs such as Supplemental Educational Services (Chapter I) and Special Education comprise the second use of funds. In fiscal year 1990, these transfers totaled $50 million. The Office of Indian Education Programs also administers these funds.

The third use of funds, which totaled $65 million in fiscal year 1990, is for operating and maintaining the schools. The Bureau's Office of Facility Management, with assistance from the Department's Office of Construction Management, administers this funding.

OBJECTIVE AND SCOPE

The objective of this program audit was to determine whether the Bureau of Indian Affairs had effectively implemented the Education Amendments of 1978 (Title XI of Public Law 95-561), which require the Bureau to provide quality educational services to Native Americans.

The audit was performed from October 1989 through December 1990. In performing the audit, we reviewed pertinent correspondence and administrative, budgetary, and accounting records and interviewed Central Office employees, field office employees, school employees, and school board members concerning the implementation of the Education Amendments of 1978. Also, we visited 18 of the 180 schools in the Bureau's school system. (Appendix 3 lists the offices and schools visited.)

Our audit was made in accordance with the "Government Auditing Standards," issued by the Comptroller General of the United States. Accordingly, we included such tests of records and other auditing procedures that were considered necessary under the circumstances.

As part of the audit, we evaluated the system of internal controls related to the implementation of the Education Amendments of 1978. We found that the Bureau has major weaknesses in the areas of developing, monitoring, and revising policies, procedures, and reporting systems to ensure compliance with the Education Amendments of 1978. The Finding and Recommendations section of this report addresses these weaknesses. If implemented, the recommendations should improve the internal controls.

We also reviewed the Department of the Interior fiscal year 1989 Federal Managers' Financial Integrity Act Annual Statement and Report to determine whether any reported weaknesses were within the objectives and scope of our audit. We determined that none of the reported weaknesses were directly related to the objectives and scope of this audit.

PRIOR AUDIT COVERAGE

During the last 5 years, the General Accounting Office and the Office of Inspector General have not reviewed the Bureau's implementation of the Education Amendments of 1978. However, the General Accounting Office and the Office of Inspector General have each issued a report relating to Indian Education:

- On March 5, 1990, the General Accounting Office issued the report titled "Special Education: Estimates of Handicapped Indian Preschoolers and Sufficiency of Services" (No. GAO/HRD-90-61BR). The report estimated that there were up to 12,800 handicapped Indian preschoolers ages 3 and 4 and that about 3,000 of these children lived on reservations that have Bureau schools. However, only 838 of the estimated 3,000 had been identified as handicapped and were receiving necessary services. The General Accounting Office recommended that the Bureau identify and locate all handicapped preschoolers as required by the Code of Federal Regulations (25 CFR 45.11). The Bureau, in its response, stated that it had successfully identified handicapped children and agreed to submit data on the number of handicapped Indian preschoolers to the Department of Education.

- On February 27, 1986, the Office of Inspector General issued the report titled "Review of Selected Administrative Activities of Rough Rock Demonstration School Under Contract No. NOOC14209692." The report disclosed that the school needed to improve its procurement of professional services and its accounting and personnel management. The report made nine recommendations, all of which have been resolved.

FINDING AND RECOMMENDATIONS

EDUCATION OF INDIAN CHILDREN

The Bureau of Indian Affairs had not effectively implemented the Education Amendments of 1978, with the result that Indian children had not received sufficient opportunity to obtain a quality education in the Bureau-operated school system. The Education Amendments of 1978 contain 17 principal provisions that establish guidelines and objectives in providing a quality educational opportunity for Indian children. However, 10 of the 17 provisions had not been adequately implemented because senior-level Bureau managers had not given the education program sufficient priority to ensure timely and effective implementation. Furthermore, the Bureau has changed managers in the Office of Indian Education Programs frequently since 1978, which has contributed to inadequate control and management oversight and a lack of stability in the program. In addition, Indian school facilities were often so deplorable as to impede the education process. As a result, Bureau schools were not providing quality educations to Indian children, which is illustrated by the results of standardized achievement test scores that ranged by grade from the 24th percentile in grades 3 and 9 to the 32nd percentile for high school seniors. Further, Bureau expenditures of $5.4 million for a management information system did not produce the information needed for effective management and control of the school system.

The Congress enacted the Education Amendments of 1978, effective November 1, 1978. The Amendments mandate substantial changes in the Bureau's school system and removed the education program from the Area Director's authority and created the Office of Indian Education Programs to administer the Bureau's educational programs. The Amendments also require the Bureau to establish specific systems and procedures to improve the Bureau's school system. Of the 10 provisions which we determined had not been effectively implemented, we selected 5 for more detailed review to determine the extent to which the Bureau has not met the requirements of the Amendments.

Academic Standards

The Bureau had not developed and implemented the academic standards necessary for educating Indian children. The Education Amendments of 1978 require the Bureau to establish and implement academic standards for Bureau-operated schools. Additionally, contract and grant schools must either comply with these Bureau standards or with other appropriate tribal, state, or regional accreditation standards. Specifically, the Amendments require the Bureau to:

- Establish standards for the basic education of Indian children. The standards would account for factors such as "academic needs, local cultural differences, type and level of language skills, geographical isolation, and appropriate teacher-student ratios."

- Implement the standards as soon as they are established.

- Report annually to the Congress on each school's compliance with the standards, including cost estimates and target dates for each school to be brought up to minimum standards.

In attempting to meet these three requirements, the Bureau established 17 standards which were modeled after various state standards and primarily focused on five areas: educational management, instructional programs and support, grading, promotional and graduation requirements, and school self-studies and needs assessments. Each school is required to report on its standards compliance annually. For school year 1989-1990, the Bureau provided us with reports from only 92 of the 180 schools. According to these reports, the 92 schools did not comply with a total of 388 standards, for an average noncompliance of more than 4 standards per school. One school, Hotevilla Bacavi (Arizona), reported noncompliance with 14 standards.

Although the Bureau did establish educational standards, the Bureau did not consider difficulties in student achievement resulting from cultural differences, type and level of language skills, and geographical isolation[1] in developing these standards. Failure to consider these factors, as required by the Amendments, has hampered efforts to successfully educate Indian children. Experienced teachers and principals in the Bureau school system said that they believe cultural differences, poor language skills, and geographical isolation are key variables which explain, in part, why student achievement test scores are low. The learning difficulties arising from these factors need to be considered in establishing education programs if Indian children are to be successful, especially when taking standardized achievement tests.

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[1]Many Bureau schools serve students who live in locations remote from the nearest city or town. Typically, the students have not been exposed to many experiences most children have. To change this condition, some schools incorporate special field trips into the school's curriculum to broaden the students' experiences.

The Bureau also was not reporting promptly to the Congress on compliance with standards. The purpose of the required annual report is to inform the Congress of the status of the education program and to identify areas where additional funding is necessary. Since the Bureau established the standards in 1985, the reports should have been submitted in 1987, 1988, 1989, and 1990. However, the Bureau failed to submit a report for the first 3 years and then in March 1990 submitted a report which covered the first 3 school years (1985-1986, 1986-1987, and 1987-1988). Additionally, the 1990 report did not include school year 1988-1989, as it should have.

Management Information

The Bureau had not established an effective management information system for the education program. The Education Amendments of 1978 require the Bureau to establish and implement a computerized management information system, including data on (1) student enrollment, (2) curriculum, (3) staffing, (4) facilities, (5) community demographics, and (6) student assessment. Without accurate and timely information on these key education areas, the Bureau's ability to make informed decisions regarding the education program or maintain fiscal and programmatic accountability is questionable.

The Student Enrollment System is the only portion of an educational information system which the Bureau had made a significant effort to develop, and even that effort was deficient. The Bureau did not perform a needs assessment before designing the system, did not adequately consult with the users to determine system requirements, did not properly identify needed training or assess the skills of the users to determine how training should proceed, and scheduled the training so far in advance of implementation that the users could not retain the skills learned. The Bureau also released the system to the schools before the system was fully tested and ready for use. As a result, the software contained numerous programming errors, and users said that the system was "needlessly cumbersome and time consuming."

Successful implementation of the Student Enrollment System was also hampered by inadequate planning for the maintenance of computer equipment located at the schools. The Bureau did not fully consider the difficulty in obtaining equipment service at remote school locations. As a result, equipment servicing, such as repair of hard disk failures, has been untimely, which has further contributed to reduced use of the system.

At the time of our review, in an attempt to correct errors and enhance the core program, at least four different versions of the software had been distributed to the schools, but documentation was insufficient to determine which version each

school had. Because of poor system planning and development, the majority of users experienced difficulties in making any productive use of the system. A 1988 survey by the Bureau's Office of Data Systems showed that just 21 percent of the 196 sites used the system successfully. Based on our review, we found that the percentage of success had not increased.

Consequently, after spending more than $5.4 million between 1979 and 1989 to develop an education information system, the Bureau could not compile sufficient information to assist management in accomplishing the education program. For example, there was insufficient information in the system to readily determine how many students were enrolled in each school, on how many students had dropped out of school, or whether a school had state or regional accreditation. At the time of our review, the Central Office had to contact the schools directly to obtain information rather than obtain the information from the system. Furthermore, problems with the system were not confined to the Central Office. At the school level, the system could not even provide school administrators with a list of students absent on any given day.

Funding Allotment Formula

The Bureau had not allocated school education funds equitably. To ensure equal educational opportunity, the Education Amendments of 1978 require the Bureau to allocate funds pro rata, according to a formula which identifies the funding necessary to sustain each school. The formula used by the Bureau, however, did not address most special school cost factors[2] and therefore resulted only in distributing whatever money was available instead of determining the actual funding needed.

The Congress prescribed a two-step funding formula which considers each school's need and then allocates funds on a per-student basis. The Education Amendments of 1978 provide specific student and school variables to be included in the formula.

The formula developed by the Bureau, called the Indian School Equalization Formula, only partially fulfilled those requirements. The formula considered student variables but did not consider school variables. The school variables which were required but not incorporated were costs associated with school isolation, such as where a post differential salary adjustment

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[2]Special school cost factors include the costs of geographical isolation, special staffing, transportation, and programs which affect schools differently.

is necessary to attract qualified staff and where school buses must travel long distances, costs needed to meet academic standards, and costs associated with paying higher salaries to more experienced teachers.

When a task force developed the formula in 1979, its report recommended that after the formula had been in use, other factors such as school isolation, standards implementation, and compensation be considered for inclusion. However, the Bureau had never implemented the task force recommendation to modify the formula when additional data were obtained. Since the Bureau first allocated funds by using the formula in 1980, the formula has remained essentially unchanged for 10 years. The modest changes made for school year 1989-1990 were initiated by the Congress rather than the Bureau. The fact that the Bureau never modified the formula and that it did not consider school needs may explain to a great extent why the schools had difficulty in meeting the academic standards required by the Education Amendments of 1978.

Educational Facilities

The Bureau of Indian Affairs had not provided Indian children with educational facilities that were safe, healthy, or conducive to a quality education. At the 18 schools we visited, 2 had severe maintenance and rehabilitation problems which required immediate corrective action, 5 had serious to moderate problems needing correction, 8 had limited problems which inhibited the educational process, and 3 schools (all in the State of Maine) had no apparent problems. The Education Amendments of 1978 require that education facilities be safe and adequate to serve the needs of Indian children.

Educational facilities were generally not safe and healthy and did not meet the educational needs of Indian children. For example, the Theodore Roosevelt School in Fort Apache, Arizona, had facilities that were old, dilapidated, and in general disrepair. During five inspections of the dormitory conducted by various Departmental and bureau offices and the Indian Health Service from April 1989 to 1990, numerous deficiencies were identified in the areas of fire protection, electricity, plumbing, sanitation, heating, ventilation, and lighting. In April 1990, the Indian Health Service conducted an environmental health survey at the school. The report, dated May 2, 1990, stated:

> There has been little progress made since the last survey. More disconcerting are the lack of preventive maintenance programs and cleanliness, and more importantly, very serious safety hazards which threaten the lives of the children at the school....The fact that there are so many

problems creates an environment in which it is unsafe and unhealthy for children to live and attend school. Many of these problems have existed for the past year which indicates there is a severe weakness in the management.

At the Many Farms (Arizona) High School in March 1990, the boys dormitory contained damaged furniture, and some rooms had no bed frames (just bed springs and mattresses on the floor). The roof leaked, which allowed light fixtures to fill with water, and two rooms had holes in the walls. The building had no smoke detectors, no exit lights, broken mirrors in the restrooms, and many broken windows. Some rooms were missing window frames, and some rooms had blankets taped over the window openings. Many rooms had no window coverings. Virtually all rooms had lights that did not work, and two rooms had no lighting at all. Recreation rooms had fire exits locked or chained, and furniture blocked the entrance areas. Fire exit doors throughout the dormitories did not operate.

In the restrooms, we found toilet stalls that had no doors, some toilets that did not work, and shower stalls that were corroded and covered with mildew. The restrooms contained no soap, towels, or toilet paper. Also, dormitory workers stated that they had no cleaning supplies.

Furthermore, the campus buildings had deteriorated from settling. The walls in the gymnasium building and shop building had large cracks, and the classroom building had settled so severely that the Bureau had demolished it. The Bureau had not constructed a new building but instead moved in numerous used prefabricated temporary classrooms.

At Laguna (New Mexico) Elementary School, additional classroom space was needed, and the facility had been adversely affected by settling. The school used all of its classrooms to their maximum capacity and was forced to use other space for classes. The lobby of the multipurpose building was used for music classes; the stage in this building was used for special education classes; and the teachers' lounge, which had poor lighting and a leaky roof, was used for gifted and talented classes. For one classroom, the school used a makeshift addition which was small and crowded, lacked ventilation, and was poorly lighted.

At Laguna School, building settling had caused large cracks in the unreinforced concrete block walls. The problem was serious enough that the multipurpose building has been strapped together with I beam supports. Because of the settling, two classroom doors which opened to the outside sometimes could not be locked. The administration building also had large cracks in its walls. These conditions were not safe, healthy, or conducive to a quality education being obtained by Indian children.

Tribal Consultation

The Bureau had not effectively consulted with tribes in implementing the education program. In the Educational Amendments of 1978, the Congress established for the Bureau the policy to facilitate Indian control of education. The 1988 amendments to the Education Amendments of 1978 emphasize this partnership by stating, "All actions under this Act shall be done with active consultation with tribes." The Congress defined consultation as "open discussion and joint deliberation of all options."

Despite this requirement, the Bureau had not adequately consulted with the tribes on educational programs, such as bilingual education policy or activities proposed for funding reductions. For example, in fiscal year 1990, the Bureau reduced field office administration funding by $1.6 million in response to Congressionally mandated fund reductions. The Bureau did not consult with the tribes on this, however, even though such reductions necessitated a reorganization within the Office of Indian Education Programs. Because of the lack of consultation on this effort, the tribes prevented (through litigation) the Bureau from implementing parts of its plan. We believe that the Bureau's current lack of consultation will continue to aggravate and alienate the tribes and will result in needless lawsuits and Congressional inquiries, as well as disrupt and impair the effective operation of the education program.

Management Oversight

The Bureau had not adequately implemented the Education Amendments of 1978 because senior-level Bureau managers had not given the education program sufficient priority and the stable leadership needed to ensure timely and effective implementation. The education program experienced inadequate control and poor management oversight, resulting from Office of Indian Education Programs managers frequently changing since 1978. During the 12 years of its existence, the Office of Indian Education Programs has had 17 directors. Three directors, including the Director at the time of our review, were in a temporary status, inasmuch as they were placed in their positions under Intergovernmental Personnel Act Agreements,[3] which allowed them to return to their previous positions within 2 years. Without consistent managerial control and oversight of the Indian education

[3]An agreement which provides for the temporary assignment of employees between Federal agencies and state, local, and Indian tribal governments and other eligible institutions.

program, the actions needed to effectively implement the provisions of the Amendments had not been taken.

The inability of the Bureau to adequately implement the Education Amendments of 1978 has resulted in students who attended Bureau schools generally not receiving quality educations. This is demonstrated by the results of test data, which showed that the Bureau had just 2 of 153 schools with classes averaging in the 50th percentile (on grade level) or above. When the schools were grouped by percentile scores, achievement test results for 1989 were extremely poor as follows:

- 2 schools scored in the 50th-and-above percentile.
- 30 schools scored in the 36th-49th percentile.
- 43 schools scored in the 26th-35th percentile.
- 39 schools scored in the 21st-25th percentile.
- 39 schools scored in the 20th-and-below percentile.[4]

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In terms of how each grade performed in Bureau schools, the results were also quite low. The Bureau required either the California Achievement Tests or the Comprehensive Tests of Basic Skills to be administered. The average results by grade for both tests were approximately the same as follows:

Grade	Bureauwide Average Percentile
2	28
3	24
4	28
5	26
6	28
7	31
8	29
9	24
10	27
11	27
12	32

We believe that it is unlikely overall test results will improve unless the Bureau decides to give the education program the priority and leadership needed to implement the Amendments and provide Indian children with the opportunity to obtain a quality education.

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[4]Achievement test information was available on 153 schools.

Recommendations

We recommend that the Assistant Secretary for Indian Affairs:

1. Provide the Office of Indian Education Programs with sufficient support and stability of leadership to accomplish the objectives of the Education Amendments of 1978 and institute responsibility and accountability for all aspects of the Bureau's education program with specifically designated managers in the Office of Indian Education Programs.

2. Prepare and implement action plans, including required tasks, priority of effort, needed resources, realistic time frames, and responsible officials, which will result in effective implementation of the 10 unimplemented principal provisions of the Education Amendments of 1978, as listed in Appendix 1.

3. Prepare and implement an action plan to identify safety and health problems at the schools and request the necessary funding to immediately correct the severe and serious safety and health problems at the schools. Subsequently, the remaining (less than severe or serious) health and safety problems should be resolved at all schools.

Bureau of Indian Affairs Response

The May 5, 1991, response from the Assistant Secretary for Indian Affairs (Appendix 4) generally agreed with the finding and recommendations. The response provided action plans for 9 of the 10 unimplemented principal provisions of the Education Amendments of 1978. Although no response was received for the provision (No. 10) addressing stipulations of a prescribed personnel system, the response to the provision (No. 13) on recruitment policies did also apply to Provision 10.

The response also stated that the Bureau would not respond to the provision (No. 4) concerning safety and health problems in the schools (Recommendation 3), since "this item is within the purview of the Office of Construction Management and they will respond by separate letter."

On May 17, 1991, the Office of Construction Management responded to the recommendation regarding safety and health problems at the school. The response indicated that Office officials were aware of the deficiencies at the schools and had programmed additional funds to correct deficiencies at the schools

Office of Inspector General Comments

The Assistant Secretary's response was sufficient for us to consider 9 of the 10 provisions of the Education Amendments of 1978 implemented. Accordingly, Recommendation 2 is considered resolved.

After our draft report was issued, the Bureau requested that our final report contain an additional recommendation to improve the accountability, responsibility, and stability of leadership within the Office of Indian Education Programs. Accordingly, Recommendation 1, which addresses this issue, has been added to our final report. Because this is a new recommendation and the Bureau has not yet had an opportunity to respond, Recommendation 1 is unresolved. Actions required to resolve the recommendations are listed in Appendix 6.

The Office of Construction Management's response generally agreed with the finding regarding the safety and health problems at the schools. The Office also indicated that it had programmed additional funds to correct deficiencies, as was recommended in the report. However, the Office did not specifically indicate its concurrence or nonconcurrence with the recommendation or provide an implementation date and individual responsible for implementation. Consequently, we consider the recommendation unresolved.

MAJOR PROVISIONS OF THE EDUCATION AMENDMENTS OF 1978

1. Develop and implement minimum academic standards for the basic education of Indian children. (For details, see page 4.* **)

2. Develop and implement standards for dormitory situations. (The standards have been developed but have not been adequately implemented. For example, we noted dormitories which did not meet staffing standards or space and privacy standards.**)

3. Establish geographical boundaries for each Bureau school.

4. Bring all schools into compliance with all applicable Federal, tribal, or state health and safety standards. (For details, see page 8.* **)

5. Create an Office of Indian Education Programs to carry out the Bureau's education responsibilities.

6. Provide administrative cost grants for operating contract schools.

7. Implement a prescribed method of direct school funding and forward funding distribution. (Many stipulations in this provision have not been effectively implemented. For example, the Bureau has not complied with the stipulation that funds for Bureau schools should be available for obligation for 18 months.**)

8. Establish a school allotment formula methodology which will determine the minimum funding necessary to fund each school, including the funding necessary to meet the required academic and dormitory standards. (For details, see page 7.* **)

9. Operate education programs with active tribal consultation and facilitate Indian control in all matters relating to education. (For details, see page 10.* **)

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*Provision in which detailed review was performed.

**Provision not effectively implemented. We determined whether a provision was effectively implemented through discussions with Central Office, field office, and school personnel and through limited audit tests. A provision was classified as not effectively implemented if any part of the provision had not been accomplished.

10. Implement a prescribed personnel system for educators. (Various stipulations of this provision have not been implemented. For example, a national list of qualified and interviewed applicants for education positions has not been established.**)

11. Establish a management information system. (For details, see page 6.* **)

12. Develop education policies, procedures, and practices. (The Office of Indian Education Programs does have a policy and procedures manual, but it is incomplete. For example, it does not contain information concerning operation of many of the programs, such as bilingual education, which are operated at the schools. Also, adequate policies and procedures have not been developed for coordinating services provided by the Office of Facilities Management, the Division of Administration, and the Office of Data Services.**)

13. Institute a policy for recruitment and promotion of educators.

14. Submit a detailed report with prescribed information to Congress annually. (In addition to not submitting compliance reports on standards, as discussed in the section "Management Information" in the report, the Bureau has failed to submit the required reports on such topics as the state of Indian education or the use of post differentials in salaries.**)

15. Establish rules and regulations to ensure the constitutional and civil rights of Indian students attending Bureau schools.

16. Provide grants for an early childhood development program.***

17. Provide grants and technical assistance to develop and operate tribal departments of education.***

***Funds have not been appropriated to implement provision.

EDUCATION FUNDING
BUREAU OF INDIAN AFFAIRS OFFICES
FISCAL YEAR 1990

Program Element	Amount	
Office of Indian Education Programs Funds:		
Education Administration	$12,591,000	
Indian School Equalization Formula	169,003,900	
Director's Contingency Fund	1,707,100	
Transportation	12,489,000	
School Program Adjustments and Special Programs	4,495,000	
Management Information System	320,000	
Subtotal		$200,606,000
Department of Education Flow-Through Funds:		
Supplemental Education Services (Chapter 1)	$25,217,025	
Education of the Handicapped	17,778,580	
Drug and Alcohol Abuse	3,653,000	
Title IV Formula Grants	2,576,368	
Math and Science Programs	598,375	
Subtotal		49,823,348
Facility Management Funds:		
Operations and Maintenance Funds:	$65,349,787	
Subtotal		65,349,787
Total		$315,779,135

BUREAU OF INDIAN AFFAIRS
OFFICES AND SCHOOLS VISITED

Office or School	Location
Headquarters	Washington, D.C.
Aberdeen Area Office	Aberdeen, South Dakota
Mandaree Day School	Mandaree, North Dakota
Chinle Agency	Chinle, Arizona
Black Mesa Community School	Black Mesa, Arizona
Many Farms High School	Many Farms, Arizona
Eastern Area Office	Arlington, Virginia
Beatrice Rafferty School	Perry, Maine
Indian Island School	Old Town, Maine
Indian Township School	Princeton, Maine
Eastern Navajo Agency	Crownpoint, New Mexico
Pueblo Pintado Community School	Pueblo Pintado, New Mexico
Wingate High School	Fort Wingate, New Mexico
Fort Apache Agency	White River, Arizona
Theodore Roosevelt School	Fort Apache, Arizona
Fort Defiance Agency	Fort Defiance, Arizona
Chuska Tohatchi Consolidated School	Tohatchi, Arizona
Crystal Boarding School	Crystal, New Mexico
Dilcon Boarding School	Dilcon, Arizona
Hunters Point Boarding School	St. Michaels, Arizona
Laguna Agency	Laguna, New Mexico
Laguna Elementary School	Laguna, New Mexico
Northern Pueblos Agency	Santa Fe, New Mexico
San Ildefonso Day School	San Ildefonso, New Mexico
Santa Clara Day School	Santa Clara, New Mexico
Pine Ridge Agency	Pine Ridge, South Dakota
Porcupine Day School	Porcupine, South Dakota
Wounded Knee School	Manderson, South Dakota

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 05 1991

MEMORANDUM

To: Office of Inspector General

From: Assistant Secretary - Indian Affairs

Subject: Draft Audit Report, "Implementation of the Education Amendments of 1978," (C-IA-BIA-21-90)

This memorandum responds to your request for comments on the Draft Audit Report (C-IA-BIA-21-90).

Generally, the Bureau agrees with the findings of the audit. Specifically, we have addressed the items where we are in disagreement. We have not responded to Items 3, 5, 6, 10, and 15 because these have been fully implemented and guidelines or regulations are in place.

The Bureau will not respond to Item 4. This item is within the purview of the Office of Construction Management and they will respond by separate letter.

We have responded in narrative to all other items and have an Action Plan as requested entitled Appendix 1. If you have any questions, you should direct them to Mr. Edward F. Parisian, Director, Office of Indian Education Programs at 208-6123.

Attachment

[THE ATTACHMENT HAS BEEN WITHDRAWN BY THE OFFICE OF INSPECTOR GENERAL]

RESPONSE TO DRAFT AUDIT REPORT

C-IA-BIA-21-90

OFFICE OF INDIAN EDUCATION PROGRAMS

BUREAJ OF INDIAN AFFAIRS

APRIL 1991

INTRODUCTION

This is the response to the Draft Audit Report, C-IA-BIA-21-90, "Implementation of the Education Amendments of 1978, Bureau of Indian Affairs," issued in February 1991 by the Office of the Inspector General.

In general, the Bureau agrees with the findings of the audit, but continues to disagree that the Bureau has not adequately implemented all aspects of P. L. 95-561. The absence of a permanent director and top level management has meant little or no consistency in programs or budget. Since January 1979, there have been 16 Directors, with the longest period of time for any one person being three years, and the shortest period of time, seven days. Each Director's priority and program initiatives were different and the emphasis shifted from year to year.

In spite of the absence of permanent top management, the existing education program and financial staff has maintained a school system and accomplished a great deal over the past ten years. Part of the evidence is the gains students are making as indicated by test scores. The NCE (Normal Curve Equivalency) scores are increasing by about two points each year.

The Bureau's Office of Indian Education Programs (OIEP) has met with the auditors from the Office of the Inspector General for clarification

of the recommendations cited by that office. The OIEP will answer the 17 principal provisions which were listed in the report, in narrative and with an action plan, which is displayed as Appendix 1.

The Bureau feels that Items 3, 5, 6, 10, and 15 have been fully implemented and that either regulations or guidelines have been published. Although the Bureau feels that Item 13 has been fully implemented, a response will be given for the purpose of detailing what the Bureau has done to implement a policy for recruitment and promotion of educators. Item 4 will be answered by the Office of Construction Management under separate letter. Therefore, the Bureau will not respond to these items. Otherwise, an item by item explanation is contained in the following narrative.

MAJOR PROVISIONS OF THE EDUCATION AMENDMENTS OF 1978

1. Develop and implement minimum academic standards for the basic education of Indian children.

Response:

In general, at the time of the audit the Bureau had not totally implemented the requirements of P. L. 95-561 regarding minimum standards for academic programs funded by the Bureau of Indian Affairs. The Bureau has since made progress in monitoring and evaluating the standards compliance process. The Bureau has in place:

A. A process for monitoring standards compliance through reports and on-site visitations. Forty academic school programs (representing 25 percent of the schools) will have been on-site monitored for standards compliance by the end of the 1990-91 school year.

B. A standards compliance report to the Congress for school year 1990-91 has been completed.

C. Training has been provided to schools on completing their standards compliance reports.

Improvements have been made in standards compliance, and the Bureau is committed to making further adjustments to improve the standards compliance process. Those additional improvements are included in the following action plan.

Action Plan - Summary of Tasks

1.1 Revise standards through policy development and tribal consultation process to include aspects relative to cultural and language differences and geographic isolation.

1.2 Establish computerized baseline data on status of schools in regard to standards compliance.

1.3 Continually monitor, on a cyclical basis, the progress of school programs toward meeting standards.

1.4 Complete and submit a standards compliance report annually.

1.5 Work toward the goal of having schools meet all standards.

Attachment

2. Develop and implement standards for dormitory situations.

Response:

In general, at the time of the audit the Bureau had not effectively implemented the requirements of P. L. 95-561 regarding standards for dormitory programs. However, the Bureau has made progress in the dormitory standards compliance process. The Bureau has the following in place:

A. A process for monitoring dormitory programs for standards compliance through reports and on-site visitations. At the end of the 1990-91 school year 17 dormitories (representing 30 percent) will have been on-site monitored for standards compliance.

B. A standards compliance report has been completed for school year 1990-91.

C. Training has been provided for schools on completing their standards compliance reports.

Improvements have been made in regard to dormitory standards compliance, and the Bureau is committed to making further adjustments to improve the standards compliance process. Those improvements are included in the following action plan.

Action Plan - Summary of Tasks

2.1 Establish computerized baseline data on status of schools in regard to meeting dormitory standards.

2.2 Continually monitor on a cyclical basis progress of schools toward meeting dormitory standards.

2.3 Complete and submit standards compliance report annually.

2.4 Work toward the goal of having dormitories meet all standards.

Attachment

7. Implement a prescribed method of direct school funding distribution.

Response:

At the time of the audit, and for previous years, the Bureau has been providing funding for the schools by Fund Distribution Documents which are sent directly to the schools and signed as received by the responsible fiscal agent. According to the 41 BIAM the Director, OIEP is the only Director which is authorized to sign distribution documents. The Bureau is governed by the same provisions of any appropriations act and must follow the provisions for the continuing resolutions in the event no appropriations act is passed. The following process is in place:

A. Fund Distribution Documents are sent on a regular schedule one week after the certification of the student count is completed. Each school, Agency/Area, Program Development and Implementation, and Area Finance Offices receive copies. The responsible fiscal agent at the school must sign the original and return it to the Director.

B. Financial Program Plans are developed by the responsible fiscal agent in concert with the local School Board and approved by the Agency/Area education line officer and entered into the Bureau's financial system.

C. Financial reviews are conducted on a quarterly basis by the Agency/Area office personnel and the Central Office. Whenever errors are found from the financial reports, memoranda are immediately sent detailing the corrections which need to be made.

D. The Bureau will implement forward funding for its schools and enter the funds into the new financial system, the FFS for all accounts.

8. Establish a school allotment formula which will determine the minimum funding necessary to fund each school and reflect the cost of funding the standards established.

Response:

The Bureau has a formula for the distribution of funds to the 180 schools within the system. The formula was developed to equitably fund the schools based on a measure of Weighted Student Units calculated from the identified types of students counted during count week for funding. The formula is not a "school needs based" formula and it has become apparent over the years that the schools were shortchanged for the funding of the standards which were established.

During the audit, the fifteenth Director over a 10 year period, determined that the formula needed to be reviewed and commissioned a Task Force composed of tribal leaders, Bureau school personnel and Congressional aides to look at the formula and to come up with an alternative to the present situation. That group has met several times and expects to have the recommendation made to the Director in August, 1991. The recommendation selected will be one of the items for the December, 1991 consultation hearings.

The initial plan was to include transportation as part of the ISEP Task Force; however, the task was so large it was later determined that a second group would need to work on the transportation formula so that equitable funding can be assured. That group also expects to be prepared to present a recommendation in time for the December consultation meeting.

Item Number 1 addressed the issue of standards compliance and the Action Plan outlines the major components which the Bureau intends to meet.

9. Operate education programs with active tribal consultation and facilitate Indian control in all matters relating to education.

Response:

At the time of the audit, the Bureau had not effectively implemented requirements of P. L. 95-561 Sections 1130 and 1133 regarding consultation with Indian tribes. However, great strides have been made in formalizing a periodic, systematic consultation process.

The Bureau established an Advisory Committee for Handicapped Education approximately 10 years ago. This committee advises the Director of the unmet needs of handicapped children in Bureau schools. The membership consists of parents, handicapped persons, and other interested parties. Special Education has always held hearings on the annual plans for services and received comments from tribes and individuals. Chapter 1 has a committee of parents at the local level and a Committee of Practitioners.

In the spring of 1990, the Bureau conducted three education summits to gain participation and input of the tribes in Indian education matters. The OIEP began the tribal consultation process in May and July of the same year by holding consultation sessions throughout the nation regarding Element 10 and the OIEP as a stand alone office.

The OIEP consultation policy and strategy is that consultation meetings would be held twice each year with tribes and school boards, to ensure their input into the direction of Bureau-funded education programs. The first consultations were held in January, 1991 at eleven regional sites and are intended to facilitate Indian control in all matters related to education. The next meetings are scheduled for July, 1991.

Although improvements have been made in the consultation process, the Bureau is committed to further improvements and adjustments which will institutionalize a systematic consultation process within the OIEP management operation. Further adjustments are identified on the action plan (Appendix 1) which represents a systematic, cyclic process to gain input from over 700 potential entities.

Current consultation planning and preparation processes include the following sequential steps:

A. Identification of appropriate items for consultation.

B. Announcement of consultation dates and agenda items for consultation by Federal Register Notice.

C. Development, publication and distribution of printed consultation materials in booklet form to over 500 tribes and 180 schools to be received at least 30 days prior to the meeting.

D. Arrangements for court reporters and transcripts of all testimony and written statements.

E. Review and consideration of all comments received for incorporation into the OIEP operations, as appropriate.

Attachment

11. Establish a Management Information System.

Response:

In general, the Bureau agrees with the findings of the audit. However, it serves little purpose to explain the reasons why the Management Information System (MIS) was not implemented except to say that innumerable problems have been encountered. What has been accomplished has occurred within the past eight months and that includes a plan, approved by the Department, over a three-year period to address the data acquisition, communication, applications, development, and database management needs of the OIEP.

For the past three years, the Branch of Management Services (MIS) has been implementing an intensive office automation effort which has addressed the standardization of all hardware and software acquisitions and implementation for administrative systems. This standardization has resulted in the capability to share data, hardware/software resources and personnel resources throughout the Central Office and field sites while allowing the instructional programs to acquire hardware and software to meet their unique requirements.

The plan was approved by the Department on July 7, 1990. It is one of the first plans approved by the Department which is fully compliant with the GOSSIP and POSSIX standards set forth for all new ADP procurements of this nature and employs the latest technology in the areas of Local Area and Wide Area Networking.

In September, 1990 the Branch of Management Information Services developed and submitted a statement of work for the procurement and implementation of Phase I of the three year plan. The statement of work was approved and submitted to the Small Business Administration. An 8A contract was awarded in August, 1990 to purchase, install and implement within the Central Office, OIEP, the first phase of the Local Area Network.

Phases II and III which will commence within the next year are to establish Regional Local Area Networks which will be linked together as a Wide Area Network. This architecture will provide the OIEP with accessibility to all education sites, data and personnel while maintaining ownership and responsibility for data at the Regional level.

Phase I of the three year plan is 50 percent completed. The Central Office LAN has been installed and is utilized by all of the personnel within Education. The telecommunications issues need to be solved before Phase I will be 100 percent complete.

Within the past three months, MIS developed an interactive PC-based student count system. This system was piloted and will be employed as a production system in April 1991. The system provides for the capture of student count information, the exporting of student count data to the Central Office for compilation and analysis, and the production of student count reports. The student count data is the basis for the Indian School Equalization Program formula.

MIS has established for Special Education a network of Special Education Coordinators through Special Net and ENAN. All coordinators have a lap top computer with modem and soft ware. They are signed on all networks and can communicate within a matter of minutes.

Action Plan - Summary of Tasks

MIS is currently developing a Request for Data Services to be submitted to the Office of Data Systems entailing its telecommunications issues. The issues are:

11.1 Connectivity to the Albuquerque Mainframe computer to access OIEP student data and the new FFS system.

11.2. Connectivity to Education Area/Agency offices employing X.25 telecommunications protocol.

11.3 Connectivity to Education school sites employing X.25 telecommunications protocol to access student test and curriculum development programs.

Attachment

12. Develop Education policies, procedures and practices.

Response:

By legislation (P. L. 100-297), the overall educational policies under 25 CFR, Part 32, Subchapter E, restricts the Bureau's OIEP from establishing policy without Congressional approval. However, the Bureau has begun to address this concern through the following activities:

A. The process for revision of academic standards has been initiated and includes the critical step of tribal consultation.

B. Other regulation development has been initiated addressing issues such as personnel, adult education, and higher education subject to tribal consultation.

C. The OIEP has developed and implemented a review of policy issues and a process for consensus development of issues/ procedures with field line officers.

Improvements have been made, and the Bureau is committed to further improvements to the process of developing policies, procedures and practice within the management system for the OIEP.

Under the requirement of Section 1134 of P. L. 95-561, the Deputy Commissioner of the Bureau of Indian Affairs will issue the procedure/practices necessary from the BIA to govern the provision of administrative support services to the OIEP.

Action Plan - Summary of Tasks

12. 1 Review current BIAM policy for programs and activities.

12. 2 Review and identify the status of BIAM procedures for each program/activity.

12. 3 Review and determine the extent of implementation of BIAM policies and practices for each program/activity.

12. 4 Initiate process for update of BIAM policy, procedures and practices.

12. 5 Establish procedures for support services.

13. Institute a policy for recruitment and promotion of educators.

Response:

Since the audit has taken place, the Bureau has implemented a Recruitment and Retention Task Force and established a policy for recruiting teachers. They have given training to line officers, attended major conventions, the latest being the International Reading Association convention, for the purpose of recruiting, established a national vacancy list and entered into a Memorandum of Agreement with the Peace Corps to help place returning volunteers.

The Bureau has made substantial gains in this area. The interviews, rating and hiring of all contract personnel are still done at the local level.

The Bureau has also established an electronic Bulletin Board within the Bureau system to advertize jobs. The Bureau has signed on 'Special Net' an national network of Special Education programs to advertize special education jobs at colleges and universities.

The Bureau continues to support promotion of teachers and other staff through training and has made progress in getting funding from the Bureau's Consolidated Training Fund to support such programs as the Bureau's Executive Development Program. More and more participation by education personnel is taking place on such committees as the Human Resource Committee and a training plan is being developed for the Office of Indian Education Programs.

Action Plan - Summary of Tasks

13.1 Development of a Training Plan for the Office of Indian Education Programs

14. Submit a detailed report with prescribed information to Congress annually.

Response:

At the time of the audit, the Bureau had not totally implemented the requirements of P. L. 95-561 regarding required reports to Congress. However, the Bureau has made progress in regard to required reports. The following have taken place:

A. The standards compliance report for FY 1991 has been written and will be submitted to Congress by May 15, 1991.

B. The annual report for FY 1990 is being prepared and will be completed by May 15, 1991.

Although improvements have been made in regard to required reports the Bureau is committed to making further adjustments to improve the completion and submission of reports. Those adjustments are included in the action plan, Appendix 1.

Action Plan - Summary of Tasks

14.1 Submit a detailed standards compliance report annually.

14.2 Submit a detailed annual report on BIA education annually.

16. Provide grants for an early childhood development program.

Response:

The Bureau was authorized the provide grants to tribes, tribal organizations and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia. Also authorized was $15,000,000 for the purpose of carrying out the provisions of this section. There was no funding appropriated for the implementation of this section.

The Bureau supports the need for an early childhood program. However, due to the priority for elementary and secondary programs, limitation of funds, and the expansion of Headstart program, the Bureau did not request funding. However, the Bureau did request and received funds in FY 1991 for a Parental and Community Involvement Program which emphasizes the early childhood program. Seven early childhood projects were funded in FY 1991 through the Snyder Act Authorization. The Bureau plans the continuation of these early childhood projects each fiscal year until early childhood programs at all the 180 Bureau funded schools.

The Bureau has for almost 10 years provided preschool services to handicapped children in several locations, including the Native American Portage Project in the Southern Pueblos Agency, the Pima Early Childhood Project and the Infant Stimulation Project at Papago. Some of the programs are funded jointly by various states once they are started.

17. Provide grants and technical assistance to develop and operate Tribal Departments of Education.

Response:

The Bureau was to provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe. However, this section was subject to the availability of appropriations. In FY 1990 and FY 1991, the Choctaw Tribe received a congressional add-on of $100,000 for a pilot project to implement the tribal education department. No other funds were appropriated for the implementation of this section for other tribes.

The Bureau supports the need for tribal education departments. However, due to our priority for elementary and secondary programs, our limited funding and the indirect costs dollars received by the tribe, we did not request funding.

The Bureau has developed a position paper on Tribal Departments of Education which includes the following:

A. Seeking funding to facilitate tribal control in all matters relating to the education of Indian children on Indian reservations.

B. To provide for the development of coordinated educational programs on Indian reservations (including all preschool, elementary, secondary, and higher or vocational education programs funded by tribal, Federal or other sources by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities.

C. To provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities and support programs.

CONCLUSION

This response to Draft Audit Report C-LA-BIA-21-90 is submitted in the spirit of the commitment the Bureau has made to improving the administration of its programs and more accountability to Indian people.

The Bureau views such audit reports as a management tool and extends to the Office of the Inspector General our appreciation for bringing the items cited to audit resolution.

Any questions or comments should be directed to the Director, Indian Education Programs at 208-6123.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 17 1991

Memorandum

To: Assistant Secretary - Indian Affairs

From: Director, Office of Construction Management

Subject: Response to OIG Draft Audit Report No. C-IA-BIA-21-9[illegible]
"Implementation of the Education Amendments of 1978"

The following information was obtained concerning activities that have been underway to correct serious safety deficiencies since the OCM/FMCC Review Team visited the Many Farms High School, Chinle Agency, Navajo Area in January 1990. Subsequent reviews by the Office of Inspector General and the Secretary's Executive Review Team found additional deficiencies which have been tracked as well.

Attached for your consideration are two memoranda, dated September 12, 1990 and September 17, 1990, by the Office of Construction Management and the Bureau's Facilities Management and Construction Center respectively, which show the locations, type of deficiency, disposition of deficiency, and amounted allotted for mitigation of the deficiency. Please note that $2,122,000 was reprogrammed and $512,000 was redirected in FY 1990 to address the deficiencies which were found during the Office of Construction Management's program reviews, Secretaries' Executive Review Team, and the Office of Inspector General Audit visits.

/s/ David J. Matheson
David J. Matheson

Attachment(s)

Recommendation 3. Prepare and implementation plan to identify safety and health problems at the schools and request the necessary funding to immediately correct the severe and serious safety and health problems at the schools.

It should be noted, under the current policy all emergency (U-1) deficiencies are remedied immediately, and critical life safety (S-1) deficiencies are remedied in a timely fashion to the extent sufficient funds are available. Should funding not be available the deficiency is mitigated in some manner, using interim measures (i.e., cordon off the area or a moratorium on the use of the defective equipment), and the deficiency is placed in the backlog for prioritization and funding.

There are two (2) types of deficiencies; those that are considered Operations and Maintenance (O&M) and those that are considered facilities improvement and repair (FI&R) or major renovation. The O&M deficiencies are more easily handled in that they generally tend to be less costly and tend to require less time to correct. FI&R projects , on the other hand, are costly and tend to require engineering design, planning and some type of construction, hence the purpose of the backlog.

As the OIG is well aware of from its recent visits to the locations listed in the report, the facilities within the program are on average 30 years old, with many of the schools visited being 40-50 years of age. There will always be safety deficiencies because the systems are breaking down constantly and because these old facilities were not built to current codes and standards. Also, deficiencies that fall in the FI&R category may take as much as three years to remedy because of the planning, design, construction and inspection process.

In January 1991, a process to follow up on the BIA Safety Management Reports was developed and initiated from the Facilities Management and Construction Center. It complimented the existing process in place at certain Area Offices. The shared responsibility is as follows:

<u>Facilities Management and Construction Center</u>

1. Receive copy of location safety reports and determine which items are programmatic, operation and maintenance, or eligible for the FACCOM backlog.

2. Notify the respective Area Offices in writing of those items on the report that are deemed to entered on the FACCOM backlog. At the same time, to notify them that programmatic and O&M items, plus an abatement schedule negotiations are the responsibility of the Area Facilities program.

3. Follow up on the entry of eligible items on the FACCOM backlog by the Areas and to ensure funding on a priority basis as funding is available.

Area Facility Management Programs

1. Receive copy of location safety reports and develop abatement plan within 30 days.

2. Notify BIA Safety Management and location of abatement plan and variations that require negotiation.

3. Correct programmatic and O&M issues as soon as possible. Enter FACCOM eligible items on backlog and request Emergency and Minor Improvement and Repair funding in accordance with the established criteria and timeframes for those programs.

4. Compile and issue appropriate accomplishment reports.

HASKELL INDIAN JUNIOR COLLEGE

On April 2, 1990, a report was issued by OCM on the current status of the mitigation activity at Haskell. Since that report was issued the planning and completion of abatement projects has continued. Dorm Bldg. #2 electrical code ensure compliance. Dorm Bldg. #105 electrical distribution and interior stairwells issues will be designed and constructed in early 1992. Dorm Bldgs. #108 and #109 code compliance projects are scheduled for contract award in the early part of FY 1992. Dorm Bldg. #128 electrical problems along with various other code mitigation work items are presently being validated and will be funded out of the MI&R program in early FY 1992. The existing stairwell in $128 was determined to be in compliance on a BIA safety Management inspection in 1989. The planning and design stages of additional dorm space is being implemented to help alleviate the overcrowded dorm space which impacts the available study space.

THEODORE ROOSEVELT SCHOOL

1. DORMITORY DOES NOT MEET LIFE SAFETY CODES:

Fire alarm and smoke detectors have been installed. Fire alarm has been repaired. Fire rated doors are being installed. Stairwell and interior finish still require fire rating and are in the backlog.

2. SHOWERS AND PLUMBING IS LEAKING:

The plumbing and shower problems have been corrected.

PUEBLO PINTADO BOARDING SCHOOL

Concerning the sickness, the carpets have been removed and the heating system filters have been cleaned. Since this action (one year ago) Eastern Navajo facility management reports that there have not been any reported illnesses.

LAGUNA ELEMENTARY SCHOOL

The space problems experienced for the special education; gifted and talented and music classes have been partially addressed in FY 1990. The MI&R program provided funding to the Albuquerque Area to design and renovate two excess quarters which provided extra space for two of the three programs. In addition, a new construction project for the Laguna Middle School, to be completed in August of 1992, will provide for the sixth grade classes which are now occupying space in the elementary school.

The leaky roof and ventilation problems are now being addressed by an FI&R project that is scheduled for completion this fiscal year. The project will replace the roofs on all buildings plus replace all window air conditioning units with roof mounted units.

The structural problems have been inspected by a structural engineer from the Facilities Management and Construction Center. His report indicated that the problems are not life threatening and recommended that the problem areas be monitored on a regular basis for the present.

SAN ILDEFONSO DAY SCHOOL

As of the week of April 15, 1991, the fire alarm system and emergency lighting for the Day School were tested and were operative. A project has been defined and funding requested for the FY 1994 FI&R program to expand the current detection capabilities of the system. In addition, the cracked wall and patio cover problems have been determined by a structural engineer to be temporarily abated and permanent corrections have been included in the same project slated for funding in the FY 1994 FI&R program. This work would isolate the abode walls from moisture intrusion through major roof repairs or replacement plus the re-stucco of existing walls.

CHUSKA

The Navajo Area redirected $122,000 from a FI&R project to remedy the settling and cracking problems. Reports indicate that the doors are fixed, the cracks repaired, and the settling is being corrected. The steel beams are not required any longer to keep the walls from collapsing, but resources are not available to remove them.

MANY FARMS SCHOOL

Following is a list of 20 items that have been addressed at Many Farms School. Certain items have been temporarily abated while funding and services are being requested for a permanent solution. For example, smoke detectors have been installed while a new alarm system is being designed and installed. Another example is the cracks in the gym and shop, which have been inspected by a structural engineer, regrouted, and monitored by field staff until the significant funding for replacement can be secured.

1. Damaged Furniture

Damaged furniture has been replaced for buildings (Dormitory 7, 8 & 10)

2. Bad Frames

The beds with the bad bed frames have been replaced.

3. Roof Leaks

The building with the roof leaks, Building 1162 (Dorm 10), Building 1163 (Dorm 9), Building 1166 (Dorm 7) and 1167 (Dorm 8) have been repaired under a contract with Progressive Roofing Company of Phoenix. The contract started a March 15, 1990 and was completed October 7, 1990.

4. Light Fixtures

The light fixtures that were filled with water, broken or non-functional have been replaced.

5. Holes in the Walls

The holes in the walls were repaired April 2, 1990.

6. No Smoke Detectors

One hundred and eighty-six (186) battery operated smoke detectors were installed in Buildings 1162 (Dorm 10), 1166 (Dorm 7), 1167 (Dorm 8) pending an M1&R contract for installation of an integrated, electric fire alarm system which is under review by the Facilities Management and Construction Center.

7. Exit Lights

Inoperative exit lights were mostly in Building 1166, Dorm 7, and have been replaced. Dorm 7 is not presently used as a Dormitory, pending renovation for the Honor Dorm. A portion of it is being used for a student canteen, student recreation center and lounge.

8. Broken Mirrors

All broken mirrors have been replaced and were in good condition as of March 12, 1991.

9. Missing Window Frames

The missing window frames have been replaced. An M1&R contract will be let to replace the windows with energy efficient windows that would also provide ventilation.

10. Blankets Over Windows

Blankets are being removed whenever they are found. They are used to keep out bright sunlight. The venetian blinds, that came with the windows, have worn out.

11. No Window Curtains

New blinds are to be installed with the new windows. Item 6.

12. Fire Exits are Locked and Chained

Chains have been removed. Staff installed chains for security purposes. Funding has been requested for campus security and a roving security guard has been hired.

13. Furniture Block Entrances

Furniture that were blocking entrances in the auditorium and gymnasium have been removed.

14. Fire Exit Doors are Inoperative

The fire exit doors have been realigned and the locks have been repaired by the locksmith.

15. Toilet Stalls Have No Doors and Toilets Are Inoperative

Toilet stall doors have been replaced and toilets have been repaired.

16. Shower Stalls are Dirty, Covered With Mildew and Fixtures are Inoperative

Shower stalls have been cleaned and fixtures have been replaced.

17. There is No Toilet Paper, Soap or Janitorial Supplies

Education is providing soap, toilet tissue, paper towels and janitorial supplies and janitorial supplies through its janitorial functions.

18. Gymnasium and Shop Building Have Large Cracks

The cracks have been re-grouted and Safety Management is monitoring the Buildings for further structural damage. Many Farms High School is requesting renovation funding for the Auditorium-Gymnasium and Shop Building in its new construction application.

19. Demolition of Classroom Buildings

The Many Farms High School has been requesting New Construction Funding for replacement of the classroom buildings since the buildings were demolished It is presently ranked number 3 on the National priority list for new construction for FY 1992.

20. Temporary Classroom Buildings

Temporary buildings have outlived their usefulness and need to be replaced. The boys and girls restrooms have been completely renovated within the last two years.

BEST COPY AVAILABLE

The following Table describes school locations by Area, funds requested, funds allotted, obligations to date and comments/ remarks.

[THE TABLE HAS BEEN WITHDRAWN BY THE OFFICE OF INSPECTOR GENERAL.]

STATUS OF AUDIT REPORT RECOMMENDATIONS

Finding/ Recommendation Reference	Status	Action Required
1	Unresolved.	Provide a response on actions taken or planned, including target dates and names of officials responsible for implementation.
2	Resolved; not implemented.	None. Will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.
3	Unresolved.	Provide a response on actions taken or planned, including target dates and names of officials responsible for implementation.

ILLEGAL OR WASTEFUL ACTIVITIES SHOULD BE REPORTED TO THE OFFICE OF INSPECTOR GENERAL BY:

Sending Written Documents to: | Calling:

Within the Continental United States

U.S. Department of the Interior
Office of Inspector General
P.O. Box 1593
Arlington, Virginia 22210

Our 24-hour
Telephone HOTLINE
1-800-424-5081 or
FTS 268-3424

Outside Continental United States

Caribbean Area

U.S. Department of the Interior
Office of Inspector General
Caribbean Region
P.O. Box 7730
St. Thomas, Virgin Islands 00801

809-774-8300

North Pacific Region

U.S. Department of the Interior
Office of Inspector General
North Pacific Region
238 Archbishop F.C. Flores Street
Suite 807, PDN Building
Agana, Guam 96910

671-472-7279 or
671-472-7425 or
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